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Note verbale dated 10 December 2012 from the Permanent Mission of Israel to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Israel to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to submit, on behalf of the Government of Israel, a report entitled "Update to Israel's report to the Security Council Committee established pursuant to paragraph 4 of Security Council resolution 1540 (2004)" (see annex).

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Annex to the note verbale dated 10 December 2012 from the Permanent Mission of Israel to the United Nations addressed to the Chair of the Committee

Update to Israel's report to the Security Council Committee established pursuant to paragraph 4 of Security Council resolution 1540 (2004)

In response to Security Council resolution 1540 (2004), the State of Israel submits its report regarding the steps that it has taken to fight proliferation of weapons of mass destruction (WMD) and their means of delivery and to comply with the Security Council resolution.

1. Proliferation of WMD and their means of delivery constitute a fundamental threat to national, regional and international peace and security.

2. The growing threat of illicit trafficking in WMD-related materials and know-how and the risk that non-State actors may acquire, develop, traffic in or use WMD add a new dimension to existing threats, particularly in the light of the dangers posed by terrorist groups.

3. The State of Israel welcomes the adoption of Security Council resolution 1540 (2004), which aims to identify concrete steps against proliferation of WMD. The State of Israel supports international efforts and commitment to curb proliferation of WMD and their means of delivery, in particular, proliferation by illicit brokering activities to and by non-State actors and their sponsoring States.

4. Israel is committed to the implementation of Security Council resolution 1540 (2004).

Introduction

5. The policy of Israel, as a State that has been living under conventional and non-conventional threats, including that of missiles, and continues to face the threat of terrorism on a daily basis, is designed to prevent proliferation of WMD. Israel has taken legal and practical measures with an aim to curb proliferation and reduce such threats, giving high priority to this issue.

6. At the national level, Israel has consolidated its above-mentioned policy through legislation and practices, stringently enforced by its competent authorities. Israel's legislation and practices, and their enforcement, encompass a wide range of measures intended to prevent proliferation of non-conventional weapons, as well as to prevent terrorists or State sponsors of terror from acquiring such weapons. These include intelligence-gathering and -sharing, improving border controls, developing advanced detection and identification devices, enhancing facility and relevant dual-use materials security, and export controls.

7. Israel is committed to acting forcefully against any form of support for terrorism. Accordingly, Israel does not provide support to non-State actors involved in terrorism and actively confronts any attempt by non-State actors to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

8. The fight against illicit proliferation has been placed high on Israel's national security agenda. Israel is constantly seeking ways to improve and develop its capabilities in this field, where the most significant advantage and achievements in this endless war on terror come through collective efforts and cooperation.

Legislation

9. Consonant with Security Council resolution 1540 (2004), Israel's legal infrastructure in relation to non-proliferation is based upon an extensive set of legal instruments which are designed to effectively prevent the proliferation of items related to nuclear, chemical and biological weapons and their means of delivery. This legislation controls goods and technologies that may be used by non-State actors, States supporting terrorism and other countries of concern in the manufacture, development, delivery and use of WMD.

10. **Major legislative instruments**:

Chemical, biological and nuclear exports:

A. In 2004, Israel adopted an Order controlling chemical, biological and nuclear exports, thereby upgrading existing national legislation and consolidating its practice. The Import and Export Control Order (Control of Chemical, Biological and Nuclear Exports, 2004) establishes a licensing system for the export of dual-use goods, technology and services included in the list of the controlled items. The Order includes a catch-all clause prohibiting the export of goods, technology and services which the exporter knows are intended for use in the development or the production of chemical, biological and nuclear weapons. The list of materials covered by the Order is based on the export supplier regime lists of the Nuclear Suppliers Group (NSG) and the Australia Group (AG).

B. The "Regulating Researches on Generators of Biological Diseases" Act (2008 — unofficial translation) establishes a committee of experts which advises the Minister of Health regarding safety regulations that should be enforced by competent research institutions. The committee considers means to prevent illicit trafficking of biological materials.

Conventional technology exports:

C. In 2007, Israel adopted new extensive legislation in the field of conventional and dual-use items of export controls, which upgraded the pre-existing legal framework. The Export Control Law (2007) regulates the export of equipment, technology and services, based mainly on the Munitions List of the Wassenaar Arrangement (WA). The dual-use items based on the WA dual-use list are also regulated within this legal framework when items are intended for security and/or military end use. Notably, according to the Export Control Law (2007), brokering activities performed by Israeli citizens which are in contravention to the Security Council sanctions resolutions constitutes a criminal offence.

D. The Minister of Industry, Trade and Labour also issued an Export Control Order at the beginning of 2007 to regulate the control of dual-use equipment, technology and services for civilian end-use based on the dual-use list of the WA.

Missile technology exports:

E. The Export Control Law (2007) applies to missile technology exports to the extent that it relates to military items or security and/or defence purposes and/or end-users. Alongside this Law stands the Defence Export Control Order (Missiles, Equipment and Technology) 2008, issued by the Minister of Industry, Trade and Labour. Both legislative instruments expressly incorporate the Missile Technology Control Regime lists into Israeli legislation for military and non-civilian end-users.

F. The above-mentioned legislation sets forth provisions for effective export licensing systems. The licensing processes involve the Ministry of Industry, Trade and Labour, the Ministry of Foreign Affairs and the Ministry of Defence. The legislation also provides for criminal and administrative penalties in case of violations.

Anti-terrorism legislation:

G. Supplementing its export control legislation is an extensive set of legal instruments relating to anti-terrorism, including funding of terrorist entities. This legislation is a major instrument in Israel's ongoing war on terrorism and, as such, applies to WMD-related terrorism as well.

H. Anti-terrorism legislation includes the Terrorism Prevention Order (1948), the Detention of Illegal Combatants Act (2002), relevant provisions of the Israeli penal code, additional emergency legislative instruments and future legislation currently in progress. A full survey of Israel's counter-terrorism legislation is included in the Israeli reports to the Counter-Terrorism Committee and is available on the United Nations website.[1]

I. Israel's Counter-Terrorism Memorandum Bill increases the punishment against terrorist acts related to chemical, biological and radioactive weapons, materials, devices and facilities.

Implementation and enforcement at the national level

11. The Israeli Government has designated the Ministry of Industry, Trade and Labour as the competent authority for the implementation of its chemical, biological and nuclear export control system. The Foreign and Defence Ministries also have a key role in implementing aspects of the relevant legislation.

12. The Israeli Customs Authority is the competent authority responsible for enforcing regulations preventing the export of unlicensed WMD-related goods, investigating offences and taking appropriate action.

13. In addition, the Israeli Customs Authority, together with other relevant responsible authorities, is currently involved in the development of a computerized system that will build profiles for identifying cargo/shipments suspected of violating customs laws and regulations, including those concerning WMD.

14. In implementing its policy and legal instruments in the field of non-proliferation, Israel's law enforcement authorities are constantly reviewing their procedures in order to ensure effective implementation and enforcement.

[1] www.un.org/Docs/sc/committees/1373/submitted_reports.html.

15. The Israeli Government has taken measures to enable the industry and the public to comply with the export control provisions. To this end, it has worked with them and has informed them of their obligations under the export control legislation, including through outreach workshops, publications and governmental websites.

16. Israel attaches great importance to capacity-building and preparedness within the nuclear security sphere. Israel conducts periodic national preparedness exercises to enhance its national nuclear security capacity and its ability to respond effectively to a radiological and nuclear terrorism scenario. In January 2012, Israel held a national-level exercise simulating a radiological dispersal device (RDD) scenario.

International cooperation

17. Israel attaches high priority to international cooperation in the field of non-proliferation. Over the years, Israel has made significant efforts to enhance bilateral and multilateral cooperation and has embraced relevant international norms and standards.

18. Aware of and deeply concerned by the threat to international and regional peace and security, Israel has pursued a consistent policy of adherence to the relevant multilateral export control regimes and their lists. Israel updates these lists, keeping the scope of its national export controls abreast with international standards.

19. In the regional and international sphere, Israel has remained committed to promoting bilateral and regional peace, security and stability. In the absence of the necessary regional atmosphere, Israel has made significant efforts to improve international cooperation in the field of non-proliferation, for example, through the framework of export control regimes. Israel has also supported other international initiatives such as the Global Threat Reduction Initiative (GTRI) and the Proliferation Security Initiative (PSI). Israel has participated as an observer in PSI exercises.

20. In January 2012, representatives from the Israeli authorities which deal with export control attended a workshop on "Customs Procedures and Licensing Issuance: Integrating the National Processing of Dual-Use and Conventional Weapons through Information-Sharing". The workshop was organized by the Organization for Security and Cooperation in Europe (OSCE) and aimed to enhance information-sharing between the customs services and the licensing officers at the national and regional levels in order to fully comply with Security Council resolution 1540 (2004).

Chemical, biological and nuclear exports

21. On 1 June 2004, former Israeli Deputy Prime Minister and former Minister of Foreign Affairs, Mr. Silvan Shalom, announced Israel's policy of adherence to the Australia Group (AG) export control regime. This policy has been reflected in the new export control legislation.

22. The former Director General of the Israel Atomic Energy Commission, Mr. Gideon Frank, has recently notified the Nuclear Suppliers Group on Israel's nuclear export control legislation and its policy of adherence to this regime.

23. The Government of Israel has recently joined the few countries that have ratified the 2005 amendment to the Convention on the Physical Protection of Nuclear Material. Israel is a signatory to the International Convention for the Suppression of Acts of Nuclear Terrorism. Israel has a policy of supporting efforts to promote universality of these two important conventions.

24. Israel is a member of the Global Initiative to Combat Nuclear Terrorism (GICNT). In June 2010, it hosted a GICNT workshop on nuclear forensics and legal aspects, with the participation of international experts from over 20 States. Israel also supports the PSI.

25. Israel actively participates in the Second Line of Defence initiative of the United States of America ("Megaports" project), aimed at detecting radiological materials at its seaports and airports, as a contribution to international efforts to prevent illicit trafficking of nuclear and radiological materials. Israel has comprehensive export control legislation, including in the nuclear field, which reflects its policy of adherence to the Nuclear Suppliers Group regime.

26. Israel actively participates in the important partnership of the Nuclear Security Summit (NSS). Israel joined the communiqués of 2010 and 2012 which stressed the significant role of Security Council resolution 1540 (2004) in the security of nuclear material. The NSS declaration reinforced the goal of full implementation of resolution 1540 (2004) and encouraged international efforts to strengthen nuclear security and to prevent the possibility of nuclear materials and/or nuclear weapons falling into the hands of terrorists. During the Seoul Nuclear Security Summit, Israel pledged its support to and joined an initiative by the Kingdom of Jordan on counter-nuclear smuggling.

27. Israel shares the concern that radioactive sources might be used to commit acts of terrorism. Preventing such threats from materializing requires that these materials remain under full control of the competent authorities and be used properly. In this context, Israel endorsed the International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources in March 2004 and encourages other countries to do the same.

28. Israel has also supported the IAEA Nuclear Security Fund, aimed at combating nuclear terrorism. Israel has made voluntary contributions and donations in kind to support IAEA activities in this field.

29. Israel takes part in the IAEA Illicit Trafficking Database and has reported accordingly. Israel also participates in the newly founded IAEA Nuclear Security Guidance Committee (NSGC).

30. Israel is a signatory to the Chemical Weapons Convention and participates in its conferences as an observer. Given the regional security circumstances, Israel has not ratified the CWC. However, Israel conducts close cooperation with the Organization for the Prohibition of Chemical Weapons, including ongoing dialogue and meetings.

31. Israel has grave concerns over recent developments in the region and the growing threat of illicit trafficking in chemical weapons that non-State actors may acquire. Israel supports international efforts to curb proliferation and their means of delivery, particularly in the light of the dangers posed by terrorist groups to regional peace and security.

32. In view of the growing importance of export controls over WMD-related material and their delivery systems, Israeli experts in this field have taken part in several meetings and seminars in order to learn from the experience of and conduct a dialogue with their counterparts from other countries.

Anti-terrorism

33. Israel is fully committed to the fight against terrorism in all of its aspects and forms. Israel is a party to the following terror conventions: the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention on the Physical Protection of Nuclear Material, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

34. Israel has also participated in a number of United Nations activities, and closely cooperates with the Counter-Terrorism Implementation Task Force (CTITF), the Counter-Terrorism Committee Executive Directorate (CTED) and other relevant United Nations bodies on a regular basis.

35. Israel regularly contributes to the counter-terrorism debates held in the Security Council and the General Assembly, including in the negotiations for the outcome document of the June 2012 third review of the United Nations Global Counter-Terrorism Strategy. Israel will continue to be actively engaged with and support all relevant United Nations entities in the ongoing fight against the scourge of terrorism.

36. Israel fully implements Security Council resolution 1373 (2001) and submits a detailed report to CTED biannually. On this basis, Israel is defined by CTED as a State which contributes to the global fight against terrorism together with a select group of other countries. In addition to bilateral cooperation with various States, Israel provides assistance and training in the fields of the global fight against terrorism in places like Africa, South America and Asia. Israeli experts have contributed their knowledge in areas as diverse as border control and the financing of terrorism. In part, this assistance is provided in cooperation and coordination with international and regional organizations including CTED, CTITF, the United Nations Office on Drugs and Crime, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization, the European Union, the Intergovernmental Authority on Development, the Economic Community of West African States and the Organization of American States.

Provision of assistance

37. In addition, Israel provides direct assistance to the relevant States. The fields in which Israel assists are securing borders, aviation security, forensic investigation, internal security, incidents involving multiple injuries, post-traumatic stress and law and order. Israel continues to contribute to these activities.

38. Israel is aware that a number of States may request aid for the purpose of implementing Security Council resolution 1540 (2004) in their countries. Israel stands ready to consider specific requests for such assistance as appropriate for States lacking the legal and regulatory infrastructure and implementation experience.

Conclusion

39. In conclusion, Israel welcomes Security Council resolution 1540 (2004), expressing grave concern over the threat of illicit trafficking in nuclear, chemical or biological weapons and their means of delivery, in particular to non-State actors.

40. Israel would suggest that similar determination be devoted to the bilateral and multilateral efforts to curb the transfer, acquisition and use of man-portable air defence systems (MANPADS) and very short-range rockets and missiles by non-State actors.

41. Israel fully supports the implementation of Security Council resolution 1540 (2004) and its extension resolution 1977 (2011).